

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BODUM USA, INC.,

Plaintiff,

-against-

SERVICE IDEAS, INC.,

Defendant.

Case No. 07 CV 7453

ANSWER TO COUNTERCLAIM

Plaintiff, Bodum USA, Inc. (“Bodum”), by its undersigned attorneys, and for its answer to Defendant Service Ideas, Inc.’s (“Service Ideas”) Counterclaim, states as follows:

1. Bodum admits the allegations of Paragraph No. 1.
2. Bodum admits the allegations of Paragraph No. 2.
3. Bodum admits the allegations of Paragraph No. 3.
4. Bodum admits the allegations of Paragraph No. 4.
5. Bodum admits the allegations of Paragraph No. 5.
6. Bodum admits the allegations of Paragraph No. 6.
7. Bodum incorporates by reference its answers to Paragraphs 1 through 6.
8. Bodum denies the allegations of Paragraph No. 8.
9. Bodum denies the allegations of Paragraph No. 9.
10. Bodum denies the allegations of Paragraph No. 10.
11. Bodum incorporates by reference its answers to Paragraphs 1 through 10.
12. Bodum denies the allegations of Paragraph No. 12.
13. Bodum denies the allegations of Paragraph No. 13.
14. Bodum incorporates by reference its answers to Paragraphs 1 through 13.

15. Bodum denies the allegations of Paragraph No. 15.

16. Bodum denies the allegations of Paragraph No. 16.

AFFIRMATIVE DEFENSES

Without prejudice to its denials of the allegations in Service Ideas' Counterclaim, without waiver of Plaintiff's obligation to prove each and every element of its claims, and pleading in the alternative, Bodum propounds the following affirmative defense:

First Affirmative Defense

Service Ideas' claims are barred by the doctrines of unclean hands because Service Ideas engaged in trade dress infringement, unfair competition under the laws of New York, and violation of the New York Consumer Protection from Deceptive Acts and Practices, as set forth more fully in Bodum's Complaint, the allegations of which are incorporated herein by reference.

BODUM USA, INC.

By: s/John H. Eickemeyer

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